

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

DANNY PETTIT

PLAINTIFF

VS.

CIVIL ACTION NO. 4:08cv79-JCS

WARDEN DALE CASKEY, et al.

DEFENDANTS

ORDER

This § 1983 cause is before the court on the motion of Defendant Dale Caskey for summary judgment. Having considered the motion, the court concludes that it should be granted and that this case should be dismissed with prejudice.

Plaintiff is a state inmate currently housed at the Mississippi State Prison. He brought this action while he was housed at another facility, East Mississippi Correctional Facility (EMCF), complaining of placement in administrative segregation, denials of requests for protective custody, retaliation, assault, inadequate medical care, and unconstitutional prison conditions. At the omnibus hearing, he stated under oath that the only relief he was seeking was transfer to another facility. The undisputed evidence establishes that on June 9, 2009, Plaintiff was transferred to the state prison at Parchman, Mississippi, where he remains. Accordingly, this matter is now moot.

For this reason, the motion for summary judgment is granted, and this matter is dismissed with prejudice. A separate judgment will be entered.

So ordered, this the 9<sup>th</sup> day of October, 2009.

/s/ James C. Sumner

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UNITED STATES MAGISTRATE JUDGE